

REMARKS

Currently, claims 17-19, 22-28, and 32-33, including independent claim 17, are pending in the present application. As indicated above, the limitations of previous dependent claim 19 have now been incorporated into independent claim 17. Thus, independent claim 17 now requires that the personal care product comprise a liquid impervious baffle, a liquid pervious liner, an absorbent core positioned between the baffle and the liner, and an odor sorbent substrate wrapped around the absorbent core. The substrate is coated with a durable activated carbon ink that consists essentially of activated carbon particles and a binder. New dependent claims 32-33 have also been added.¹

As an initial matter, the Office Action objected to the drawings for failing to illustrate a substrate "wrapped around the absorbent core" and a substrate "positioned between the baffle and the absorbent core." Applicants note, however, that these features are already illustrated in the present application. Fig. 6, for instance, shows a tissue wrap 37 that is both wrapped around an absorbent core 36 and positioned between a baffle 32 and the absorbent core 36. (See also ¶¶ [0027], [0049]). Likewise, Fig. 4 shows a transfer delay layer 17 that is positioned between a baffle 12 and an absorbent core 16. (See also ¶¶ [0026], [0049]).

In the Office Action, previous dependent claim 19 was rejected under 35 U.S.C. §103(a) as being obvious over EP348978 to Tanzer, et al. Tanzer, et al. is directed to an absorbent article that contains an anhydrous deodorant. More specifically, the

¹ The addition of two claims in this response (i.e., claims 32-33) is associated with a corresponding cancellation of six claims (i.e., claims 19-21 and 29-31).

deodorant is a mixture of (1) basic particles; (2) pH neutral particles; and (3) optionally, acidic particles. The particles are mixed together, but maintain a distinct identity. Each particle is also anhydrous and does not contain water. Typical basic particles are inorganic salts of carbonates, bicarbonates, phosphate, biphosphate, sulfate, bisulfate, and mixtures thereof. The basic particles may be employed in an amount between 25 wt.% and 99 wt.% of the deodorizing mixture.

Tanzer, et al., however, differs in several respects from independent claim 17. For example, the particle mixture of Tanzer, et al. specifically requires "basic particles" as a substantial component of the deodorizing mixture. However, the "consisting essentially of" language of independent claim 17 excludes such a substantial presence of basic particles from the claimed activated carbon ink. Although recognizing this deficiency, the Examiner nevertheless asserted that it would have been obvious to remove the basic particles from the anhydrous mixture of Tanzer, et al. Applicants respectfully disagree. Tanzer, et al. employs the basic particles in an amount between 25 wt.% and 99 wt.% of the deodorizing mixture. The reason that Tanzer, et al. requires such a high percentage of basic particles stems from one of its primary purposes – *to control both acidic and neutral odors*. If such a substantial particle component were removed from the deodorizing mixture of Tanzer, et al., however, this purpose would be completely vitiated.

In any event, the deodorizing mixture of Tanzer, et al. is not employed in a personal care product in the manner set forth in independent claim 17. Specifically, claim 17 requires that the activated carbon ink is coated onto a substrate that is wrapped around the absorbent core. The Office Action asserted that this limitation was

disclosed in Fig. 5 of Tanzer, et al. In Fig. 5, an absorbent article 38 is shown that contains an absorbent 40, a baffle 42 and a fluid-permeable cover 44. A deodorizing mixture 48 is positioned on an upper surface 46 of the baffle 42. However, contrary to the assertions in the Office Action, the deodorizing mixture 48 is *not* coated onto a substrate that is wrapped around the core and positioned between the baffle and the core, as required by claim 17. Instead, the deodorizing mixture 48 of Tanzer, et al. is located on the baffle itself. Thus, for at least the reasons noted above, Applicants respectfully submit that independent claim 17 patentably defines over Tanzer, et al.

Applicants emphasize that the issue in conducting an analysis under 35 U.S.C. § 103(a) is not whether a theoretical re-design of a device is *possible* or that it might be *obvious to try* the modification. Instead, the issue hinges on whether the claimed invention as a whole would have been obvious. In this case, the Office Action parsed and dissected only certain portions of Tanzer, et al., and then used these dissected portions in a way that would require a substantial reconstruction of Tanzer, et al. Clearly, the Office Action is using the present application as a “blueprint” for selectively re-designing the reference, which is improper under 35 U.S.C. § 103. Thus, for at least the reasons set forth above, Applicants respectfully submit that one of ordinary skill in the art would not have found it obvious to modify Tanzer, et al. in the manner suggested in the Office Action.

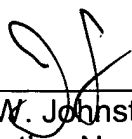
It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Chapman is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit

Account No. 04-1403.

Respectfully requested,

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